

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:11-CV-331-D

WILLIE LEE OWENS,

Plaintiff,

v.

MICHAEL J. ASTRUE,  
Commissioner of the Social Security  
Administration,

Defendant.

**ORDER**

On June 25, 2012, Magistrate Judge Gates issued a Memorandum and Recommendation (“M&R”) [D.E. 34]. In that M&R, Judge Gates recommended that plaintiff’s motion for judgment on the pleadings be granted, that defendant’s motion for judgment on the pleadings be denied, and that the action be remanded to permit the Administrative Law Judge to make more specific findings. Neither party filed objections to the M&R.

“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the [magistrate judge’s] report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (alteration in original) (emphasis and quotation omitted). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Id. (quotation omitted).

The court has reviewed the M&R and the record. Judge Gates recommends that the case be remanded for further proceedings under sentence four of 42 U.S.C. § 405(g). This court agrees with

Judge Gates's conclusion. In doing so, the court expresses no opinion on how the Commissioner should view the evidence or what findings the Commissioner should make. These issues are for defendant to consider and resolve.

In sum, the court adopts the conclusions in the M&R. Plaintiff's motion for judgment on the pleadings [D.E. 28] is GRANTED, defendant's motion for judgment on the pleadings [D.E. 31] is DENIED, and the action is REMANDED under sentence four of 42 U.S.C. § 405(g) to the Commissioner for proceedings as set forth in the M&R.

SO ORDERED. This 27 day of August 2012.

  
JAMES C. DEVER III  
Chief United States District Judge